## REMARKS

This application has been carefully reviewed in light of the Examiner's action dated February 25, 2005. Claims 1, 6, 8-10, 14-17, 20, 23, 32 and 42 and have been amended, claims 18 and 35 have been cancelled without prejudice and claims 44-47 have been added. Reconsideration and full allowance are respectfully requested.

In the February office action, the Examiner objected to the drawings. Applicant has submitted corrected drawings. It is believed that this objection is overcome.

The Examiner also objected to claims 9, 10 and 23 for reasons not associated with patentability. Appropriate correction has been made.

The Examiner also rejected claims 1, 2, 5, 11-14, 20-21, 24, 26, 32-33, 36 and 39 under 35 U.S.C. 102(a) in view of U.S. Patent Application No. 2004/0036626 to Chan et al. ('Chan'). As set forth below, all the claims are believed to be allowable as presented and therefore, this rejection is respectfully traversed. The noted claims include independent claims 1 and 20.

Initially, Applicant notes that independent claim 20 has been amended to include content of claim 35, which previously depended from claim 20. The Examiner indicated that claim 35 would be allowable if presented in independent form. Therefore, claim 20 and all claims depending therefrom are allowable.

As presented, independent claim 1 is directed to a method for measuring the temperature of an animate body over an air interface. The method includes interconnecting a sensor device to an external dermal surface of an animate body. The sensor device includes a contact surface for thermally contacting the external dermal surface. Once interconnected to the animate body, the sensor device may be utilized to provide temperature information. In this regard, the method may

further include emitting an interrogation signal from a hand-held probe to the sensor device. A portion of this interrogation signal may be received over an air interface by the sensor device. The sensor device may then utilize energy derived from the received interrogation signal to measure the temperature of the animate body. The sensor device may further generate a temperature signal indicative of the measured temperature for receipt by the hand-held probe via the air interface. The hand-held probe may then provide an output indicating the temperature of the animate body.

Chan fails to disclose or suggest the method of claim 1. As presented, Chan is directed to an interrogation device for use in a radio frequency identification system (RFID) that permits detecting different data formats. See paragraphs 2 and 14. Chan posits that passive implantable transducers for measuring the temperature of an animal are known and that these implantable transducers may further provide identification information. See paragraphs 3-5. However, Chan fails to disclose or suggest utilization of a passive transducer for external temperature measurements of an animate body where a contact surface of a sensor device is interconnected to a dermal surface of the animate body. Applicant respectfully requests that this rejection be withdrawn and that independent claim 1 and its dependent claims be allowed.

Applicant further notes that independent claim 1 has been amended to include content from original claim 15, which previously depended from claim 1. The Examiner rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Chan in view of U.S. Application No. 2004/0153344 to Bui et al. ('Bui'). Applicant submits that claim 1 and its dependent claims are is allowable over the cited references.

As set forth above, claim 1 is directed to a method for measuring the temperature of an animate body over an air interface. More particularly, claim 1 is directed to measuring a temperature of an animate body using a transponder sensor device having a contact surface interconnected to an

external dermal surface of the animate body. As further set forth above, Chan fails to disclose or suggest interconnecting a contact surface of a sensor device to an external dermal surface of an animate body for temperature measurement purposes. Bui does not overcome the shortcomings of Chan.

Bui is directed to a radio frequency identification (RFID) tag that is adapted to be worn by a patient. The RFID tag allows medical record information of a patient to be readily accessed and/or updated by a handheld device/reader. While the RFID tag of Bui allows for medical information to move with a patient, the RFID tag does not measure patient temperature. In fact, the RFID tag of Bui performs no independent physiological monitoring functions. The RFID tag is simply a data repository device. Accordingly, it is unclear why one would make the combination suggested by the Examiner as Chan is directed to an interrogator for reading implantable sensors while Bui is directed to an externally worn portable data repository. Applicant submits that Chan and Bui are directed to different problems and that there is no suggestion or motivation for one skilled in the art to make the combination suggested by the Examiner.

As neither Chan nor Bui monitor/measure external patient temperatures, the combination of Bui and Chan fails to provide the subject matter claimed in of claim 1. Accordingly, as neither of the noted references disclose the subject matter of claim 1, Applicant submits that claim 1 is allowable as presented.

Applicant further submits that additional dependent claims are allowable over the cited references. For instance, dependent claim 16 is directed to adhesive interconnection of the sensor contact surface to an external dermal surface of an animate body. Such adhesive interconnection may permit for enhanced thermal conduction between the sensor device and the animate body and thereby provide for more accurate external temperature measurement. See for

example application page 8 lines 4-14. Further, claim 15 provides for insulating non-contact surfaces of an externally interconnected sensor. Such insulation may reduce temperature measurement distortions caused by ambient conditions.

None of the cited references disclose the use of an adhesive to adhere a sensor device to a dermal surface to achieve enhanced thermal contact with that surface and/or the desirability of insulating non-contact surfaces of an externally mounted temperature measurement device to prevent ambient conditions from distorting dermal temperature measurements of an animate body.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: June 27, 2005

IN THE DRAWINGS:

The attached replacement drawing sheets and annotated drawing sheets include changes to Figures 1. Specifically, the reader has been labeled 10 instead of 18 as suggested by the Examiner. No new subject matter has been added.

Attachment: Replacement Sheets

ANNOTATED MARKED-UP DRAWING

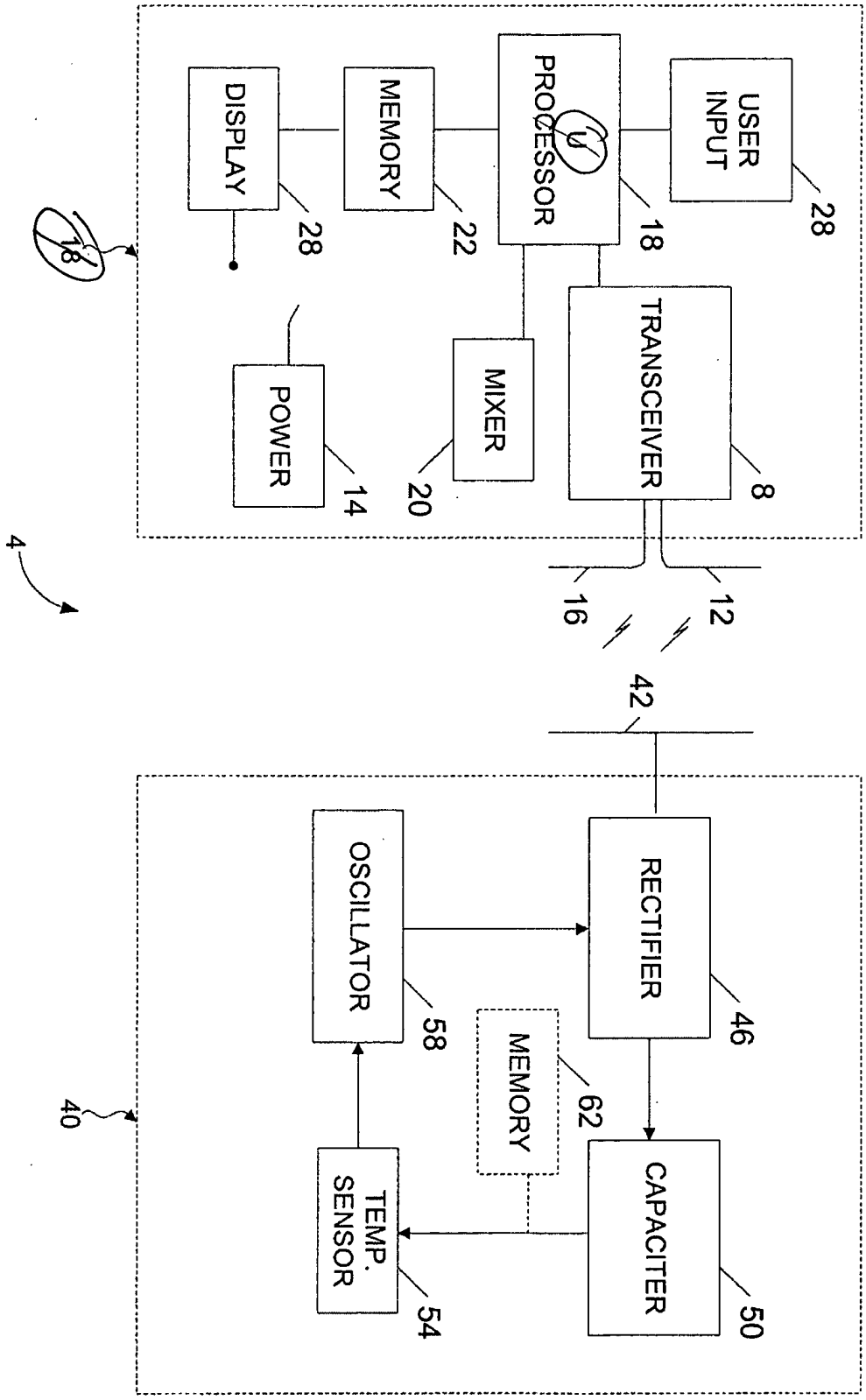


FIG. 1